

## **II. RESPONSE TO RESTRICTION REQUIREMENT**

### **A. State of the Claims**

Claims 33-85 were pending at the time of the Restriction Requirement. Claims 33-49 are withdrawn from consideration at the present time in view of the remarks and election made below in response to the Restriction Requirement. Claims 68-81 and 85 have been canceled, without prejudice or disclaimer, in the amendment contained herein as being directed to a non-elected invention. Claim 33 has been amended herein. Support for the amendment is found in the specification and claims as originally filed. No new matter is added by this amendment. Therefore, claims 33-67 and 82-84 are presently pending, with claims 33-49 being withdrawn from consideration at this time.

### **B. Response to Restriction Requirement**

In response to the Restriction Requirement, Applicants elect, without traverse, the Group II invention, drawn to a recombinant nucleic acid coding for a glycerol dehydratase, vector, host cell, and process for producing a glycerol dehydratase. Currently, claims 50-67 and 82-84 read on the Group II invention.

Pursuant to the statements of the Restriction Requirement and the provisions of MPEP § 821.04, Applicants reserve their right of rejoinder of the withdrawn Group I claims that depend from or otherwise include all of the limitations of the Group II claims, in the event that the Group II claims are allowed.

### **C. Conclusion**

Applicants believe that this paper is a full response to the Restriction Requirement dated June 23, 2004, and respectfully request consideration of the instant claims in view of the remarks made above.

Should the Examiner have any questions, comments, or suggestions relating to this case, the Examiner is invited to contact the undersigned Applicants' representative at (512) 536-3035.

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